

## UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

QUINTARA BIOSCIENCES, INC.,

Plaintiff,

No. C 20-04808 WHA

v.

RUIFENG BIZTECH INC., et al.,

**ORDER RE MOTIONS TO SEAL**Defendants.

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There is a strong public policy in favor of openness in our court system and the public is entitled to know to whom we are providing relief (or not). See *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–80 (9th Cir. 2006). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097. The compelling reasons standard applies to most judicial records. Evidentiary motions such as motions *in limine* and *Daubert* motions can be strongly correlative to the merits of a case. *Id.* at 1098–1100.

In addition, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in

whole or in part must file a declaration establishing that the identified material is sealable. Civ. L.R. 79-5(d)(1)(A). For example, “[t]he publication of materials that could result in infringement upon trade secrets has long been considered a factor that would overcome [the] strong presumption” in favor of access and provide compelling reasons for sealing. *Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011). Compelling reasons may also warrant sealing for “sources of business information that might harm a litigant’s competitive standing,” especially where the public has “minimal interest” in the information because it “is not necessary to the public’s understanding of the case.” See *Nixon v. Warner Comms., Inc.*, 435 U.S. 589, 598 (1978).

“Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” Civ. L.R. 79-5(d)(1)(A). “Supporting declarations may not rely on vague boilerplate language or nebulous assertions of potential harm but must explain with particularity why any document or portion thereof remains sealable under the applicable legal standard.” *Bronson v. Samsung Elecs. Am., Inc.*, 2019 WL 7810811, at \*1 (N.D. Cal. May 28, 2019) (citing Civ. L.R. 79-5).

Upon review of the pertinent motions to seal and their accompanying declarations, this order finds the parties have made the requisite showing to seal certain portions of the submitted documents. The proposed redactions are narrowly tailored. Without deciding on whether the asserted trade secrets ultimately qualify as trade secrets, this order rules as follows:

<u>Dkt. No.</u>	<u>Document to be Sealed</u>	<u>Result</u>	<u>Reasoning</u>
44-1	Quintara’s Amended Trade Secret Disclosure	GRANTED.	Although a previous order permitted Quintara to file this document under seal (Dkt. No. 40), this order confirms that this document contains material asserted to constitute trade secrets.

51-4	Defendants' Motion for Protective Order Pending Plaintiff's Identification of Trade Secrets	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 52).
51-6	Quintara's Amended Trade Secret Disclosure	GRANTED.	<i>See entry for Dkt. No. 44-1.</i>
51-8	Quintara's Amended Trade Secret Disclosure	GRANTED.	<i>See entry for Dkt. No. 44-1.</i>
56-2	Wiseman Decl. ISO Defendants' Motion to Strike	GRANTED as to the requested material.	Granted as to Wiseman Decl. Exh. A: lines 12 and 21 on page 9; and Lines 17 and 21 on page 11. This material contains material asserted to constitute trade secrets (Dkt. No. 58)
56-6	Defendants' Motion to Strike	DENIED.	Plaintiff did not seek to seal any of the material lodged conditionally under seal (Dkt. No. 58)
56-8	Wiseman Decl. ISO Defendants' Motion to Strike	GRANTED as to the requested material.	<i>See entry for Dkt. No. 56-2.</i>
145-3	Defendants' Motion ISO Motion for Terminating or Issue Sanctions and all supporting documentation	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as confidential customer and vendor information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 148-1).

145-4	Nova Declaration ISO Defendants' Motion for Terminating or Issue Sanctions	GRANTED as to the requested material.	<i>See entry for Dkt. No. 145-3.</i>
165-4	Motion for Partial Summary Judgment and all supporting documentation (Part 1)	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 166).
165-5	Motion for Partial Summary Judgment and all supporting documentation (Part 2)	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as confidential customer and vendor information and certain sensitive financial information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 166).
165-6	Motion for Partial Summary Judgment and all supporting documentation (Part 3)	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as confidential customer and vendor information and certain sensitive financial information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 166).
165-7	Nova Declaration ISO Motion for Summary Adjudication	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as confidential customer and vendor information and certain sensitive financial information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 166).
165-9	Wiseman Declaration ISO Motion for Partial Summary Judgment (declaration only)	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 166).

165-10	Wiseman Declaration ISO Motion for Partial Summary Judgment (exhibits A–S)	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as Quintara’s confidential customer and vendor information and certain sensitive financial information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 166).
165-11	Wiseman Declaration ISO Motion for Partial Summary Judgment (exhibits T–BB)	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as confidential customer and vendor information and certain sensitive financial information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 166).
168-2	Defendants’ Motion to Exclude and Disqualify Expert Tomo Kimura and all supporting documentation	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as confidential customer and vendor information and certain sensitive financial information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 172).
168-6	Defendants’ Motion to Exclude and Disqualify Expert Tomo Kimura	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 172).
168-8	Wiseman Declaration ISO Defendants’ Motion to Exclude and Disqualify Expert Tomo Kimura	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, as well as confidential customer and vendor information and certain sensitive financial information, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 172).

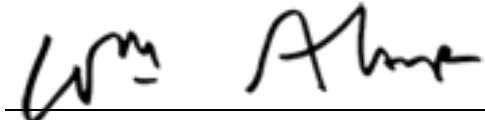
170-4	Li Declaration ISO Plaintiff's Opposition to Motion for Partial Summary Judgment	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No.170-1).  Defendants also seek to seek to seal material that contains confidential financial information, the public disclosure of which would cause defendants competitive harm (Wiseman Decl, Dkt. No. 171).
177-4	Defendants' Reply ISO Motion for Summary Adjudication and all supporting documents (Part 1)	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No.179-1).
177-5	Defendants' Reply ISO Motion for Summary Adjudication and all supporting documents (Part 2)	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No.179-1).
177-7	Li Declaration in Support of Defendants' Motion for Summary Adjudication	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No.179-1).
177-9	Wang Declaration in Support of Defendants' Motion for Summary Adjudication	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No.179-1).

201-4	J. James Li Declaration ISO Plaintiff's Motion for Issue, Evidentiary, and Monetary Sanctions	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 201-1).
206-4	Defendants' Opposition to Plaintiff's Motion for Issue and Evidentiary Sanctions and all supporting documents	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 200).
206-6	Li Declaration ISO Defendants' Opposition to Plaintiff's Motion for Issue and Evidentiary Sanctions	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 209).
206-8	Wang Declaration ISO Defendants' Opposition to Plaintiff's Motion for Issue and Evidentiary Sanctions	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 209).
206-10	Ng Declaration ISO Defendants' Opposition to Plaintiff's Motion for Issue and Evidentiary Sanctions	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 209).
206-12	Novoa Declaration ISO Defendants' Opposition to Plaintiff's Motion for Issue and Evidentiary Sanctions	GRANTED as to the requested material.	Material requested to be sealed as listed in Table I of the Peterson Declaration contains information allegedly constituting trade secrets, the public disclosure of which would cause Quintara competitive harm ( <i>see</i> Table I, Dkt. No. 200).
206-14	Wiseman Declaration ISO Defendants' Opposition to Plaintiff's Motion for Issue and Evidentiary Sanctions	DENIED.	Plaintiff did not seek to seal this material lodged conditionally under seal (Dkt. No. 209).

1           Within **TWENTY-EIGHT DAYS** of the date of this order, the parties must, to the extent  
2 needed, file documents in full compliance with this order.

3           **IT IS SO ORDERED.**

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5 Dated: March 8, 2022.

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8 WILLIAM ALSUP  
9 UNITED STATES DISTRICT JUDGE  
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